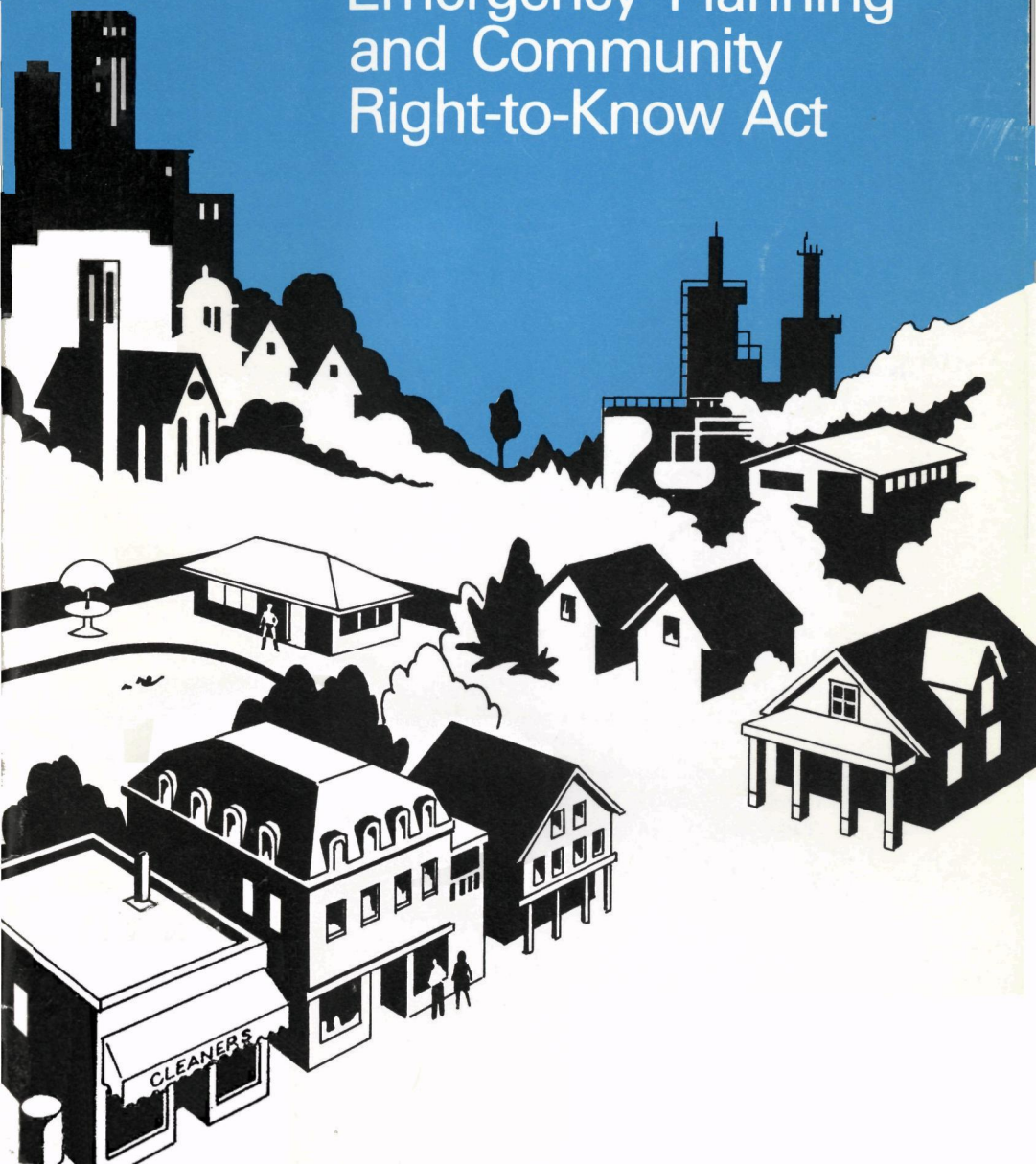


September 1988



Chemicals in Your Community

A Guide to the Emergency Planning and Community Right-to-Know Act



Preface

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U.S. Environmental Protection Agency

Most of us have driven past an industrial plant and wondered what was happening inside. Did you ever think to yourself:

"I wonder what they're making in there?"

"Could they be using any dangerous chemicals?"

"What if there's an accident—will they be able to warn me and my family about toxic gases—before it's too late? Has anybody made plans for an evacuation?"

"What's in that smoke that's always coming out of that smokestack? When the wind's right, it looks like it's blowing right toward my house!"

If questions like these **have** occurred to you, you're not alone. More and more people have become concerned about hazardous chemicals in the last few years—especially since the 1984 chemical tragedy in Bhopal, India, where a release of toxic gas killed and injured thousands of people.

In the past, citizens who wanted to know more about the hazardous and toxic chemicals in their communities had to depend on the cooperation of industry for information. Some companies were willing to answer questions and even opened their gates for public tours a few times a year. But if a company **wasn't** willing to share information about its operations with its neighbors, there wasn't much a concerned citizen could do about it.

All that has changed. In November of 1986, Congress passed a law designed to help America's communities deal safely and effectively with the many hazardous substances that are used throughout our society. The law is called the Emergency Planning and Community Right-to-Know Act; and this booklet has been written to help you understand and take advantage of your rights and opportunities under this far-reaching law.

The law has two main purposes: to encourage and support emergency planning for responding to chemical accidents; and to provide local governments **and the public** with information about possible chemical hazards in their communities.

For the law to work, industry, interested citizens, environmental and other public-interest organizations, and government at all levels must work together to plan for chemical accidents and to reduce the risk to the public from releases of toxic chemicals into the environment. The law establishes an ongoing forum at the local level for discussion and a focus for action—the Local Emergency Planning Committee.

This is a ground-breaking new approach to environmental protection. It assumes that the more citizens know about chemical hazards in their communities, the better equipped they and their local governments will be to make decisions and take actions that will better protect their families and their neighbors from unacceptable risks.

A key to successful environmental protection programs, both now and in the future, is exactly this kind of community and citizen awareness and involvement in environmental decision-making. The federal government is developing a number of products and programs to assist communities in this process, and EPA continues to have important responsibilities for controlling pollution on a national basis. But **local** environmental problems cannot be solved by the federal government alone. Solutions must involve the people who have a direct, immediate stake in both the problems and their resolution, supported by government at all levels.

In response to the law's requirements, states, communities, industries, and citizens' groups around the country have joined forces to:

- Write **emergency plans** to protect the public from chemical accidents.
- Set up **procedures to warn and, if necessary, evacuate** the public in case of emergency.
- Provide citizens and local governments with **information about hazardous chemicals and accidental releases of chemicals** in their communities.
- Prepare public **reports on annual releases of toxic chemicals** into the air, water, and soil.

All of this planning and information-gathering is directed toward a common goal: to help you, your local officials and community leaders to be better informed as together, you make important decisions about how to deal with toxic and hazardous materials.

This guide explains your rights and opportunities under the Emergency Planning and Community Right-to-Know Act. It is also intended to help you exercise those rights and take advantage of those opportunities. The first part of the guide describes how the law works; what its provisions were intended to accomplish; and how all members of the community can play an active part in making sure that both the letter and the spirit of the law are carried out. The second part discusses specific groups and organizations affected by the law; describes what they can do or are required to do to make it work; and tells how they can benefit from it.

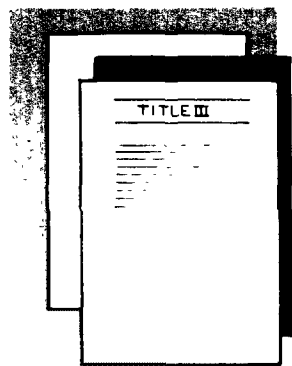
As a citizen, you now have the right to know about the chemicals in your community. You have the **right** to make your own informed decisions as to whether these chemicals are a threat to your health or environment. The more each of us learns about, understands, and participates in managing chemical hazards, the safer our communities will be for everyone. Working together through the Emergency Planning and Community Right-to-Know program, we may save some lives.

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PART ONE

An Introduction to the Emergency Planning and Community Right-to-Know Act



Why a New Law?

On December 4, 1984, a cloud of methyl isocyanate gas, an extremely toxic chemical, escaped from a Union Carbide chemical plant in Bhopal, India. More than 2,500 people lost their lives. Tens of thousands more were injured, some suffering permanent disabilities.

Americans asked: "Could it happen here?"

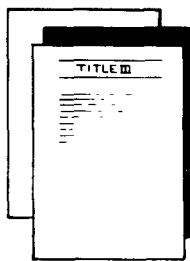
A chemical release in West Virginia shortly after the Bhopal tragedy, though not nearly as serious as Bhopal, made the question even more urgent.

Even before 1984, there were groups trained to deal with chemical emergencies at the federal, state and local levels—the National Response Team,* Regional Response Teams, state and local response teams, and others. But there was no **mandatory** national program, nor were there comprehensive state and local programs everywhere in the country, to deal with chemical accidents.

The Bhopal tragedy started a chain of events in this country that is still unfolding:

- The Environmental Protection Agency established the voluntary Chemical Emergency Preparedness Program (CEPP) to raise state and local awareness of the potential for accidents involving extremely hazardous substances, and to foster development of state and local emergency plans.
- At the same time, the Chemical Manufacturers Association (CMA), an industry group, also set up a voluntary program called Community Awareness

*The National Response Team is composed of representatives of 14 federal agencies with responsibilities for emergency preparedness and response. Regional Response Teams consist of regional representatives of the federal agencies on the NRT, as well as state emergency response and preparedness officials.



and Emergency Response (CAER). The CAER program encourages plant managers to become more involved in their local community by explaining their plant's operations and participating in local emergency planning.

- Environmental and labor groups became more active in working toward local and national legislation to protect against chemical accidents.
- More than 30 states passed laws (some before Bhopal) giving workers and citizens access to information about hazardous substances in their workplaces and communities. There are differences in these laws, but most require reporting of toxic chemical releases and the presence of hazardous substances. In some cases, that information is made available to the public.
- With these and other efforts in mind, Congress enacted the Emergency Planning and Community Right-to-Know Act. The new law makes many of these voluntary programs mandatory. The federal law does not preempt states or local communities from having more stringent or additional requirements. It requires that detailed information about the nature of hazardous substances in or near communities be made available to the public. The law also provides stiff penalties for companies that do not comply, and it allows citizens to file lawsuits against companies and government agencies to force them to obey the law.

Dealing with Chemicals: It's Everybody's Job

The Emergency Planning and Community Right-to-Know Act creates a new relationship among government at all levels, business and community leaders, environmental and other public-interest organizations, and individual citizens. For the first time, the law makes citizens full partners in preparing for emergencies and managing chemical risks. Each of these groups and individuals has an important role in making the program work:

- **Local communities and states** have the basic responsibility for understanding risks posed by chemicals at the local level, for managing those risks, for reducing those risks, and for dealing with emergencies. By developing emergency planning and chemical risk management at the levels of government closest to the community, the law helps to ensure the broadest possible public representation in the decision-making process.

- **Citizens, health professionals, public-interest and labor organizations, the media,** and others are working with government and industry to use the information for planning and response at the community level. The new law gives everyone involved access to more of the facts they need to determine what chemicals mean to the public health and safety.

- **Industry** is responsible for operating as safely as possible using the most appropriate techniques and technologies; for gathering information on the chemicals it uses, stores, and releases into the environment and providing it to government agencies and local communities; and for helping set up procedures to handle chemical



emergencies. Beyond meeting the letter of the law, some industry groups and individual companies are reaching out to their communities by explaining the health hazards involved in using chemicals, by opening communications channels with community groups, and by considering changes in their practices to reduce any potential risks to human health or the environment.

- **The federal government** is responsible for providing national leadership and assistance to states and communities so they will have the tools and expertise they need to receive, assimilate, and analyze all Title III data, and to take appropriate measures in accidental risk and emissions reduction at the local level. EPA is also working to ensure that industry complies with the law's requirements; the public has access to information on annual toxic chemical releases; and the information is used in various EPA programs to protect the nation's air, water, and soil from pollution. EPA is also working with industry to encourage voluntary reductions in the use and release of hazardous chemicals wherever possible.

(Part II of this booklet provides more detailed information on the roles and responsibilities of these groups.)

How the Law Works

The Emergency Planning and Community Right-to-Know Act contains four major provisions:

- Planning for chemical emergencies.
- Emergency notification of chemical accidents and releases.
- Reporting of hazardous chemical inventories.
- Toxic chemical release reporting.

The law also deals with trade secrets, disclosure of information to health professionals, public access to information gathered under the law, and other topics. The four major elements are described in this section. (The main provisions of the law are also outlined in the box on pages 12 and 13.)

Emergency Planning

The emergency planning section of the law is designed to help your community prepare for and respond to emergencies involving hazardous substances. Every community in the United States must be part of a comprehensive plan.

The governor of your state must appoint a State Emergency Response Commission (SERC). The governor can choose to name one or more existing state agencies, such as the environmental, emergency, health, transportation, commerce, and other relevant agencies, as the SERC. Members of trade associations, public-interest organizations, and others with experience in emergency planning may also be included on the SERC. These commissions have already been named in all 50 states, and the U.S. territories and possessions (see page 33).

Each SERC in turn has divided its state into local emergency planning districts, and must appoint a Local Emergency Planning Committee (LEPC) for each district. These committees should be broadly representative of their communities. They must include:

- Representatives of elected state and local officials.
- Law enforcement officials, civil defense workers, and firefighters.
- First aid, health, hospital, environmental, and transportation workers.
- Representatives of community groups and the news media.
- Owners and operators of industrial plants and other users of chemicals, such as hospitals, farms, small businesses, etc.

Around the country, LEPCs have been getting organized, and thousands of people, both volunteers and professionals, are participating in this program.

Your LEPC's first jobs are to get organized, receive information, analyze hazards, and proceed to develop a plan to prepare for and respond to chemical emergencies in your district. The initial plan must be completed by **October 17, 1988** and must be exercised, reviewed annually, and updated. It should be based on the chemical information reported to the LEPC by local industries and public and other facilities with chemicals. This information enables the LEPC to conduct a community hazard analysis, identifying types and location of chemical hazards, vulnerable areas and populations, and the risk of accidents and their effects on the community.

Once the hazards have been analyzed, the LEPC develops a local emergency response plan. The plan lays out potential local hazards, response

capabilities, and procedures to follow in an emergency. (The box on this page shows the elements of a comprehensive plan.) The planning process may identify opportunities for reducing risks by reducing chemical inventories.

The list of 366 “extremely hazardous substances” identified by EPA as having immediate health effects and hazardous properties may serve as a focus for emergency planning, but plans should address all hazardous materials in the community that present risks to public health and safety. These substances are

found in some widely used insecticides, herbicides, fertilizers, preservatives, photographic chemicals, and solvents as well as in wastewater treatment and drinking water treatment processes. (This and other chemical lists covered by the Emergency Planning and Community Right-to-Know Act are discussed on page 15.)

The list of extremely hazardous substances includes a “threshold planning quantity” for each substance. If this amount or more of the chemical is present at any manufacturing plant, warehouse, hospital, farm, small business, or other facility, the owner or operator must notify both your state emergency response commission and your local emergency planning coordinator. This lets the planners know what hazardous chemicals are being used and stored in your community.

The facility’s owner or operator must also name an employee as “facility coordinator,” and that person must participate in your district’s planning process.

Facility owners or operators who violate the reporting provisions of this section of the law are subject to **civil penalties of up to \$25,000 a day** for each day a violation continues.

Your LEPC will appoint an *information coordinator* who will receive and process information as it is submitted to the committee and make it available to the public.

One of the distinctive characteristics of Title III is that an emergency response plan must address these unique characteristics in your community—a fill-in-the-blanks plan will not do this. Since membership on the LEPC is broad-based, your LEPC should be familiar with your community. It should know about the capacities of local hospitals, and about the location of schools, nursing homes and other special considerations in the community. It should consider all these

Required Elements of a Local Emergency Plan

An emergency plan must:

- Use the information provided by industry to **identify the facilities and transportation routes** where hazardous substances are present.
- Establish **emergency response procedures, including evacuation plans**, for dealing with accidental chemical releases.
- Set up **notification procedures** for those who will respond to an emergency.
- Establish methods for **determining the occurrence and severity of a release** and the areas and populations likely to be affected.
- Establish ways to **notify the public** of a release.
- Identify the **emergency equipment** available in the community, including equipment at facilities.
- Contain a program and schedules for **training local emergency response and medical workers** to respond to chemical emergencies.
- Establish methods and schedules for conducting “**exercises**” (simulations) to test elements of the emergency response plan.
- Designate a **community coordinator and facility coordinators** to carry out the plan.

factors in developing the emergency response plan.

The LEPC must let you and your neighbors know about the plan by publishing notices and scheduling public meetings, where you will have a chance to comment on the LEPC's activities. Your LEPC must also conduct emergency drills to make sure the plan will work if an accident occurs.

The plan due in October 1988 is the **beginning**, not the end, of your LEPC's responsibilities. The LEPC must review the plan annually, and as new information becomes available, your district's plan will have to be updated. The LEPC will be a focal point in the community for information on hazardous chemicals. LEPC meetings will also provide a forum for discussions of how your community should address hazardous situations identified during the planning process.

The SERCs also have continuing responsibilities: they must supervise and coordinate the activities of LEPCs, and they and LEPCs must establish procedures for receiving and processing public requests for information collected under other sections of the new law. They must also review local emergency plans annually to make sure of such things as coordination across the state.

If your SERC and LEPC do their jobs well under this new planning process, your community should be much better prepared to deal with chemical accidents than in the past, and will be better able to make decisions about the presence of chemicals in the community.

Emergency Release Notification

If there's a chemical accident at a commercial, municipal, or other facility or on a transportation route in your community, and if the accident results in the release of any one of a large number of hazardous substances, you have a right to know about it.

Under the Emergency Planning and Community Right-to-Know law, a facility must immediately notify the community and the state—the LEPC and the SERC—of the release of more than a predetermined amount of one of these chemicals. If the release results from a transportation accident, the transporter can dial 911 or the local telephone operator to report it.

Chemicals covered by this section include not only the 366 "extremely hazardous substances" mentioned in the preceding section, but also more than 700 hazardous substances subject to the emergency notification requirements of the Superfund hazardous waste cleanup law (some chemicals are on both lists). Superfund requires notification of releases to the National Response Center (NRC), which alerts federal responders.

For some of the most hazardous and toxic chemicals on these lists, releases of more than one pound must be reported. For others, the reporting quantities range from ten to 10,000 pounds. EPA is combining these two lists of chemicals into a single master list for accidental release reporting so that releases will be reported to federal, state, and local levels.



- The name of the chemical.
- The location of the release.
- Whether the chemical is on the “extremely hazardous” list.
- How much of the substance has been released.
- The time and duration of the incident.
- Whether the chemical was released into the air, water, or soil, or some combination of the three.
- Known or anticipated health risks and necessary medical attention.
- Proper precautions, such as evacuation.
- A contact person at the facility.

The notification will activate emergency plans. Information on emergency releases will also be considered in the SERC and LEPC planning process.

The law also requires **follow-up** reporting. As soon as practicable after the release, the facility coordinator must submit a written report to both the LEPC and the SERC. The follow-up report must update the original notification and provide additional information on response actions taken, known or anticipated health risks, and, if appropriate, advice regarding any medical care needed by exposure victims.

Any person who fails to notify the authorities of a release or to submit a follow-up emergency report is subject to **civil penalties of up to \$25,000 a day** for each day of non-compliance. Repeat offenders can be fined up to **\$75,000 a day**.

In addition, **criminal penalties** may be imposed on any person who knowingly and willfully fails to provide notice; criminal violators face **fines of up to \$25,000 or prison sentences of up to two years**. Repeat criminal offenders can be fined up to **\$50,000** and imprisoned for as long as **five years**.

Hazardous Chemical Reporting

Information about accidental chemical releases is only the beginning of your “right to know” about hazardous substances. You also have a right to information about the amounts, location and potential effects of hazardous chemicals present in your community.

Facilities must report this information to your LEPC, your SERC, and your local fire departments. The LEPC and SERC, in turn, must make the information available to the public.

Never before has such comprehensive information on chemicals been so accessible to the public. All companies, large or small, manufacturing or non-manufacturing, are potentially subject to this requirement.

This information provides a tool which can be used to lower chemical hazards in the community by reducing chemical inventories. The reports are also essential for LEPCs and emergency response workers, providing the raw material for the emergency planning process discussed earlier. Fire departments and public health officials will use the information to plan for and respond to emergencies.

Facilities must report on the hazardous chemicals in two different ways.

The first is through **material safety data sheets** (MSDSs), which contain information on a chemical’s physical properties and health effects. Under federal laws administered by the Occupational Safety and Health Administration (OSHA), companies are required to keep MSDSs on file for all hazardous chemicals in the workplace. They must also make these sheets available to their employees, so workers will know about the chemical hazards they are exposed to and can take necessary precautions in handling the substances.



Under the Emergency Planning and Community Right-to-Know Act, facilities must submit either **actual copies** of the MSDSs, or **lists of MSDS chemicals** that are present at the facilities. These must be sent to the LEPC, the SERC, and the local fire department. This reporting requirement has been in effect since **October 17, 1987**.

The reporting for this part of Title III is based not on any list of specific chemicals, but on a definition of "hazardous chemical" under OSHA's requirements—essentially any chemical that poses physical or health hazards. As many as 500,000 products can fit the definition and thus, if present in amounts above the thresholds, must be routinely reported. Information below the thresholds must be provided by the facility when it is requested by the LEPCs.

When the Act was passed in 1986, OSHA's regulations applied only to manufacturers. OSHA has since expanded its requirements to include most facilities where workers are exposed to hazardous chemicals, and the community reporting requirements are tied to OSHA's by law. Before the change, about 350,000 facilities were covered by OSHA; now, an estimated **4.5 million** facilities are covered.

The second way that companies must report on hazardous chemicals is by submitting **annual inventories** of these same hazardous chemicals to the same three organizations—the LEPC, the SERC, and the local fire department.

The first annual inventory report was due on **March 1, 1988**.

The law includes a "two-tier" approach for annual inventory reporting. Under Tier I, a facility must report the amounts and general location of chemicals in certain hazard **categories**. For example, a Tier I report might say that a facility stores 10,000 pounds of substances that cause chronic health effects.

A Tier II report contains basically the same information, but it must name the **specific chemical**. A Tier II report might say that the facility has 500 pounds of benzene, and it would indicate the physical and health hazards associated with benzene.

Congress gave companies the flexibility to choose whether to file Tier I or Tier II forms, unless the SERC, LEPC, or fire department request Tier II. EPA believes that Tier II reports provide emergency planners and communities with more useful information, and is encouraging facilities to submit Tier II forms. Many companies have voluntarily provided Tier II reports.

You can gain access to MSDS and annual inventory reports by contacting your SERC or LEPC. While the information is available to the public, companies can ask that the locations of specific chemicals within the facility be kept confidential. This means that SERCs, LEPCs, and local fire departments can use the location information but not disclose it to the public.

Violators of the hazardous chemical reporting provisions are subject to the following penalties: for failing to submit MSDSs or lists of MSDS chemicals, civil penalties of **up to \$10,000 a day** for each violation; for non-compliance with the annual inventory requirements, **\$25,000 per violation**.

Toxic Chemical Release Reporting

Along with all the information on hazardous chemical use, storage and accidental release described above, you also have the right to know if certain manufacturing plants are routinely releasing any of some 320 toxic chemicals into the air, water or soil of your community.

This fourth major element of the Emergency Planning and Community Right-to-Know Act applies to facilities with ten or more employees that manufacture, process or use more than "threshold" amounts of these chemicals. An estimated 30,000 facilities nationwide are subject to reporting. They must estimate each year the **total amount** of the chemicals that they release into the environment—either accidentally or as a result of routine plant operations—or transport as waste to another location.

Reports must be filed by July 1 of each year covering releases in the previous calendar year. The first reports, covering 1987, were due on July 1, 1988.



Many chemicals covered by this section, although not all, pose **long-term** (chronic) health and environmental hazards such as cancer, disorders of the nervous system, and reproductive disorders from on-going routine exposure. Descriptions of the different groups of chemicals covered by the law are on page 15. To find out more about their health and environmental effects, see the "For Further Information" section on page 32.

While all Title III reports are intended for community use, some are submitted to LEPCs and SERCs, and fire departments; the annual release reports are submitted to EPA headquarters and to the state environmental, health, or emergency response agency which coordinates with the SERC. EPA is required to compile them into a national computerized data base called the Toxic Release Inventory, or "TRI." This data base must be accessible to the public through computer telecommunications and other means.

You will be able to obtain the release information on microfiche from a public library in your county; your state office where the forms are filed; federal depository libraries; the LEPCs, which also are a focal point for the data dissemination at the local level and will be able to access and review TRI for your community; and from EPA regional offices. Until the information has been computerized, you can get copies of the actual reports submitted by industry from your state or EPA. (A guide to obtaining TRI and other information collected under the Emergency Planning and Community Right-to-Know Act is on page 32.) You may also be able to get copies of the reports from submitting facilities, although they are **not** required to release their reports directly to citizens.

If you own a home computer and a telephone modem, you will also be able to call up the TRI data base "on line" on your computer to see what releases

have occurred in your community (a nominal access fee will be charged). You will be able to search through the reports electronically and pull out information of interest from more than one report at a time—for example, all reports filed by facilities in your zip code, or all discharges to a particular river, or all reports which include releases of a specific chemical. The public data base will be available in the spring of 1989.

The annual release data can be used, along with the other information the LEPC receives, to put together a more complete picture of the hazardous substances in your district. Companies can also use the release information they collect to assess their operations with an eye to reducing the amount of toxic chemicals they use and release into the environment.

Information that must be gathered and reported under this section of the Act includes:

- Which toxic chemicals were released into the environment during the preceding year.
- How much of each chemical went into the air, water and land.
- How much of the chemicals were transported away from the site of the facility for disposal.
- How chemical wastes were treated on-site.
- The efficiency of that treatment.

Companies that fail to file annual toxic chemical release reports are subject to **civil penalties up to \$25,000 a day** for each chemical they should be reporting.

Many companies already report data on chemical emissions to EPA and the states under other environmental laws such as the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act. The annual release reporting requirement is different because releases of a specific chemical to air, water, and land will appear on one form, and because the public will have direct access to the data.

By using the TRI data base, you will be able to determine the estimated annual emissions of the same chemical in a specific geographic area. You will also be able to compare the emissions reported by similar facilities in different parts of the country, to see which ones are doing the best job of controlling their releases.

The information reported under this section of the Act has some limitations. For one thing, much of the data in the Toxic Release Inventory will be based on **estimates**, not on actual measurements of releases. Because most facilities do not normally monitor their releases, EPA is providing guidance to ensure that estimates are as accurate as possible. EPA will also conduct some audits and inspections to help facilities improve the accuracy of the data they report.

A second limitation is that not all toxic chemicals or sources of toxic chemical releases are covered. Only facilities in the manufacturing sector with ten or more employees must report.

A third limitation of the reports is that they show only total **annual** emissions, so you will not be able to learn from the Toxic Release Inventory whether a chemical was released in large amounts over a short period of time, or in small amounts every day throughout the year. Information on the **rate** that chemicals are released can be important in determining the effects of the release on human health and the

environment; but the TRI will not provide this information, at least in the early years of the program.

A final limitation is that the reports cover **releases** of chemicals, but do not show the extent of public **exposure** to the chemicals after they enter the air, water or soil. (An exposure is the concentration of a chemical at the time an individual comes in contact with it.) Many things can happen to a chemical once it is released into the environment; these processes make it difficult to determine the extent to which people are actually being exposed to chemicals as the result of any particular release.

What the Toxic Release Inventory can do best is to serve as a "pointer" to potential toxic chemical problems. The TRI will enable EPA, state and local agencies, and citizens to look for "hot spots," or areas with apparently high emission levels. Using this information, environmental agencies can set priorities for further investigation and possible regulatory or other action, if needed, to protect the public health and the environment. Environmental agencies, as well as public-interest organizations and LEPCs, can also use the data to encourage facilities to cut back on their releases.

As you learn more about toxic chemical releases and other hazardous substances in your area, you may want to consult with local and state health officials, environmental professionals, labor union officials, and other experts for advice on how you can use this information to make **your** community a safer and healthier place to live.



Highlights of the Law

Emergency Planning (Sections 301-303)

- Governors appoint **state emergency response commissions** (SERCs).
- SERCs establish emergency planning districts and appoint, supervise, and coordinate **local emergency planning committees** (LEPCs).
- LEPCs develop **local emergency response plans** and review them at least annually.
- Facilities notify SERCs and LEPCs if they have **extremely hazardous substances** present above "threshold planning quantities," and participate in emergency planning.

Emergency Release Notification (Section 304)

- Facilities notify SERCs and LEPCs immediately of **accidental releases** of hazardous substances in excess of "reportable quantities" and provide written reports on actions taken and on medical effects.
- SERCs and LEPCs make accidental release information **available to the public**

Hazardous Chemical Reporting (Sections 311-312)

- Facilities submit **material safety data sheets** (MSDSs) or lists of hazardous chemicals on-site (above "threshold quantities") to SERCs, LEPCs, and local fire departments.
- Facilities submit **emergency and hazardous chemical inventory forms** (amounts and locations of chemicals) to SERCs, LEPCs, and local fire departments.
- SERCs and LEPCs make hazardous chemical information **available to the public**.

Toxic Chemical Release Reporting (Section 313)

- Covered facilities submit annual reports on **yearly toxic chemical releases** to states and EPA.
- EPA establishes a **national toxic chemical release inventory** based on facility reports.
- States and EPA make release information **available to the public and communities**, EPA makes the information accessible on a national computerized data base, and by other means.

Trade Secrets (Section 322)

- Facilities may claim **chemical identity information** trade secret, but must substantiate the claim.
- Trade secret information may be **disclosed to health professionals** for diagnostic, treatment, and prevention purposes.
- Citizens may **challenge trade secret claims** by petitioning EPA.

It's in the *Federal Register*

You can find detailed information on the various provisions of the Emergency Planning and Community Right-to-Know Act in the *Federal Register*, which is available at public or university libraries. Here are the *Federal Register* citations for the EPA regulations covering various sections of the Act:

- **Sections 301 to 303** (emergency planning): April 22, 1987, December 17, 1987, February 25, 1988 (40 CFR 300 and 355)
- **Section 304** (emergency release notification): April 22, 1987, December 19, 1987, February 25, 1988 (40 CFR 300 and 355)
- **Sections 311-312** (hazardous chemical reporting): October 15, 1987, August 4, 1988 (40 CFR 370)
- **Section 313** (toxic chemical release reporting): February 16, 1988, June 20, 1988 (40 CFR 372)
- **Section 322** (trade secrets): July 29, 1988 (40 CFR 350)
- **Sections 325-326** (penalties and citizen suits): to be published

Penalties and Citizen Suits (Sections 325-326)

- The government may assess **civil and administrative penalties** of \$10,000 to \$75,000 per day against facilities that fail to comply with the above provisions.
- Anyone who knowingly and willfully fails to provide emergency release notification is subject to **criminal penalties** of up to \$50,000 or five years in prison.
- The **SERC, LEPC, or the state or local government may initiate actions** against facility owners or operators for failure to comply with Title III requirements.
- **Citizens may initiate civil actions** against EPA, SERCs, and facility owners and operators for failure to comply with the law.
- Anyone who **knowingly and willfully** discloses trade secret information may face penalties up to \$20,000 and/or one year in prison.
- **States may sue EPA** for failure to provide trade secret information.

Trade Secrets

Companies reporting under the Emergency Planning and Community Right-to-Know Act can, under very limited conditions, request that the **identity** of specific chemicals in their reports not be disclosed to the public. **No other information required by this law in the reports can be withheld from the public.**

To protect a chemical's identity from disclosure, the company must be able to prove among other things that the information has not been reported under any other environmental regulation, and that it is a legitimate trade secret—in other words, that disclosure could damage the company's competitive position.

The chemical's identity must be included in the company's reports to EPA. EPA will keep the original reports in a confidential file, and "sanitized" versions, with the chemical name deleted, will be available to the public. SERCs and LEPCs will also receive sanitized versions and make them available to the public. Information about the general category of the chemical, which will enable you to determine its health and environmental effects, will be included in the public version of the report.

Facilities must substantiate any trade secret claims when they are submitted. If you or any other citizen wants to challenge a trade secret claim, you can do so by filing a petition requesting disclosure of the chemical identity with EPA. EPA will then review the claim to insure that it is a valid trade secret.

Companies should be careful when preparing trade secret claims. Owners and operators who submit frivolous claims can be penalized up to **\$25,000** for each such claim.

The law also allows health professionals to obtain access to trade secret chemical information if they need it to diagnose and treat patients or to do research. To receive the information, they must submit a written request for access to the chemical identity, along with a statement of need and a confidentiality agreement. (In medical emergencies, physicians and nurses can obtain the information without providing a confidentiality agreement and statement of need in advance. They must, however, submit these documents as soon as circumstances permit, if asked to do so by the company.)



Lists of Chemicals

There are four groups of chemicals subject to reporting under the Emergency Planning and Community Right-to-Know Act. Some chemicals appear in several groups.

Extremely Hazardous Substances

(Sections 301-304)

This list currently contains more than 300 chemicals. Because of their extremely toxic properties, these chemicals were chosen to provide an initial focus for chemical emergency planning. If these chemicals are released in certain amounts, they may be of immediate concern to the community. Releases must be reported immediately.

Hazardous Substances

(Section 304)

These are hazardous substances listed under previous Superfund hazardous waste cleanup regulations (Section 103(a) of the Comprehensive Environmental Resource and Conservation Liability Act—Superfund). The current list contains about 720 substances. Releases of these chemicals above certain amounts must be reported immediately because they may represent an immediate hazard to the community.

Hazardous Chemicals

(Sections 311-312)

These chemicals are not on a list at all, but are defined by Occupational Safety and Health Administration regulations as chemicals which represent a physical or health hazard. Under this definition many thousands of chemicals can be subject to reporting requirements. Inventories of these chemicals and material safety data sheets for each of them must be submitted if they are present in the facility in certain amounts.

Toxic Chemicals

(Section 313)

There are now more than 320 chemicals or chemical categories on this list, which were selected by Congress primarily because of their chronic or long-term toxicity. Estimates of releases of these chemicals into all media—air, land, and water—must be reported annually and entered into a national data base.

For further information on the chemical lists, contact your local Emergency Planning Committee or State Emergency Response Commission.

Key Deadlines

Requirement	Deadline
Governors establish State Emergency Response Commissions (SERCs)	April 17, 1987
Facilities subject to emergency planning requirements notify state commissions	May 17, 1987, or 60 days after they become subject to this provision
SERCs designate emergency planning districts	July 17, 1987
SERCs appoint members of Local Emergency Planning Committees (LEPCs)	August 17, 1987
Facilities subject to emergency planning requirements notify LEPCs of their facility coordinator	September 17, 1987
Covered manufacturing and importing facilities submit material safety data sheets (MSDSs) or lists of MSDS chemicals to SERCs, LEPCs, and local fire departments	October 17, 1987
Covered manufacturing and reporting facilities submit hazardous chemical inventory forms to SERCs, LEPCs, and local fire departments	March 1, 1988 (and annually thereafter)
Facilities submit their first toxic chemical release reports to EPA and designated state agencies	July 1, 1988 (and annually thereafter)
Covered non-manufacturing facilities submit MSDSs or lists of MSDS chemicals to SERCs, LEPCs, and fire departments	September 24, 1988
LEPCs complete their first emergency plans	October 17, 1988
Covered non-manufacturing facilities submit hazardous chemical inventory reports to SERCs, LEPCs, and fire departments	March 1, 1989 (and annually thereafter)

PART TWO

How Key Groups Are Affected by the Emergency Planning and Community Right-to-Know Act



A New Relationship

The Emergency Planning and Community Right-to-Know Act has forged a closer, more equal relationship among citizens, health professionals, industry, public-interest organizations, and the local, state, and federal government agencies responsible for emergency planning and response, public health and environmental protection.

In the past, most of the responsibility for these activities fell to experts in government and industry. To the extent that citizens or their representatives participated, it was generally “from the outside looking in,” as they did what they could to influence decisions that were, for the most part, out of their hands.

But under the provisions of the Emergency Planning and Community Right-to-Know Act, all of these groups, organizations and individuals have vital roles to play in making the law work for the benefit of everyone. The law requires facilities to provide information on the presence of hazardous chemicals in communities directly to the people who are most affected, both in terms of exposure to potential risks and the effects of those risks on public health and safety, the environment, jobs, the local economy, property values, and other factors.

These “stakeholders” are also the people who are best able to do something about assessing and managing risks—through inspections, enforcement of local codes, reviews of facility performance and, when appropriate, political and economic pressures.

This relationship between the Title III data and community action can best occur at the local level, through the work of the LEPC. For example, if a local firm has reported the presence of extremely hazardous substances at its facility, several accidents, substantial quantities of chemicals, and continuing releases of toxic chemicals, a community has the data it needs to seek appropriate corrective action. In short, the law opens the door to community-based decision-making on chemical hazards for citizens and communities throughout the nation.

This section describes how each of the key groups and organizations—as well as individual citizens—can help to fulfill the promise of the Emergency Planning and Community Right-to-Know Act: a safer, healthier environment for you and your family.

Local Emergency Planning Committees (LEPCs)

Local Emergency Planning Committees, or LEPCs, are crucial to the success of the Emergency Planning and Community Right-to-Know Act.

Appointed by State Emergency Response Commissions (SERCs), local planning committees must consist of representatives of all of the following groups and organizations: elected state and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental and transportation agencies; hospitals; broadcast and print media; community groups; and representatives of facilities subject to the emergency planning and community right-to-know requirements.

The LEPC's initial task is to develop an emergency plan to prepare for and respond to chemical emergencies. EPA's list of extremely hazardous substances may provide a focus for setting priorities in your planning effort. The plan is required to be completed by October 17, 1988. This is only the beginning. The plan must be reviewed annually, tested, and updated. Because the LEPC's members represent the community, they should be familiar with factors that affect public safety, the environment, and the economy of the community. That expertise will be essential as the LEPC develops a plan tailored to the needs of its planning district.

An emergency plan must include the identity and location of hazardous materials; procedures for immediate response to a chemical accident; ways to notify the public about actions they must take; names of coordinators at plants; and schedules and plans for testing the plan. Once the plan is written, the SERC must review it. The LEPC must publicize the plan through



public meetings or newspaper announcements, get public comments, and periodically test the plan by conducting emergency drills. The LEPC must also update the plan at least annually and let the public know of its activities.

The LEPC has other responsibilities besides developing an emergency response plan. It receives emergency release and hazardous chemical inventory information submitted by local facilities, and must make this information available to the public upon request. It must establish and publicize procedures for handling those requests.

LEPCs have the authority to request additional information from facilities for their own planning purposes or on behalf of others. LEPCs may want to visit facilities in the community to find out what they are doing to reduce hazards, prepare for accidents, and reduce hazardous inventories and releases. LEPCs can take civil actions against facilities if they fail to provide the information required under the Act.

In addition to its formal responsibilities, the LEPC serves as a focal point in the community for information and discussions about hazardous substances, emergency planning, and health and environmental risks. Citizens will expect the LEPC to reply to questions about chemical hazards and risk management actions. It can also anticipate questions about the extent and the health and

Citizens

environmental effects of routine toxic chemical releases. Even though this information is not required by the law to be sent to LEPCs, EPA and the states are working together to ensure this information is available at the local level. Many companies are voluntarily providing local committees and other citizens with this information.

An LEPC can most effectively carry out its responsibilities as a community forum by taking steps to educate the public about chemical risks, and working with facilities to minimize those risks. The value of the information provided by the Emergency Planning and Community Right-to-Know Act will be limited unless citizens are given the means to understand the information and its implications. The LEPC's ability to improve the safety and health of its community will be greatly enhanced by the support of an informed and active citizenry.



The Emergency Planning and Community Right-to-Know Act was written specifically with you, the citizen, in mind. It is based on the principle that the more you and your neighbors know about hazardous chemicals in your community, the better prepared your community will be to manage these potential hazards and to improve public safety and health as well as environmental quality. By volunteering to work with your LEPC, you can play a major role in making the law work.

The law requires industry and others to make available to you information on potential chemical hazards and inventories, and on releases of toxic chemicals into the environment. There are several ways you can become involved in obtaining and **using** this information to enhance the quality of life in your community:

- **Make sure that your Local Emergency Planning Committee (LEPC) has been formed**, attend its meetings, and make sure it is fully representative of the community. Volunteer to serve on it as a citizen representative.

- Make sure that the LEPC has obtained **all the information it needs** from local facilities to prepare a comprehensive emergency response plan.

- **Review and comment on the emergency response plan**, and ask questions about how procedures set out in the plan affect you, your family, or your place of business.

- **Ask for information** from your LEPC or State Emergency Response Commission (SERC) about chemical hazards, inventories, and releases in your community. Make sure both the SERC and LEPC have established procedures to make the information reported under Title III readily available to the public. Ask your LEPC what facilities are doing to reduce chemical hazards.

- Use the national Toxic Release Inventory (TRI) data base to **obtain information on routine releases of toxic chemicals** in your community. Your LEPC should have this information. If not, you or your LEPC can get the TRI information from a local library, your state, or the EPA Reporting Center in Washington, DC. (A guide to obtaining information is on page 32.) If you have a home computer and a telephone modem, you can call up the national data base on the National Library of Medicine's TOXNET[®] computer system (a nominal access fee will be charged.)

- **Call or visit facilities** in your community and ask if they have complied with the reporting requirements.

Under certain conditions, facilities can withhold the name of a chemical on a "trade secret" basis (other information must be provided). You can challenge trade secret claims by submitting a petition to EPA.

Title III also allows you to sue the owner or operator of a business or facility who does not comply with the law, as long as that person is not facing a government administrative order or civil action to force compliance. You can also sue EPA, the SERC or the governor of your state if any of them fails to provide information that must be made public under the Act.

Finally, you can petition EPA to add or delete chemicals from the list of toxic chemicals that must be reported under the toxic chemical release inventory. You also can petition to change the list of extremely hazardous substances used for emergency planning and accidental release notification.

The Emergency Planning and Community Right-to-Know Act creates a groundbreaking opportunity for you as a citizen to become directly involved in the decisions that affect your safety and health. Your knowledge of and participation in this program can help ensure that it accomplishes its goals in **your** community.

Fire Departments



Because fire departments are often the first to respond to a hazardous chemical emergency, they must be involved in every aspect of the emergency planning and community right-to-know program.

Fire departments will be involved in emergency planning through their participation in the work of LEPCs. It is essential that fire departments are involved in their LEPCs not only to ensure they are a part of the system but because fire departments have important expertise regarding chemical hazards and emergency planning. The community emergency response plan must include hazardous chemical emergency training for response workers, including firefighters. Federal and state programs are available to train firefighters for dealing with emergencies involving chemical hazards.

In addition to participating in emergency planning and training, fire departments will receive information about hazardous chemicals from facilities within their jurisdiction. This information, in the form of either material safety data sheets (MSDSs) or lists of MSDS chemicals and hazardous chemical inventory forms, will be the same as the data submitted to LEPCs and SERCs.

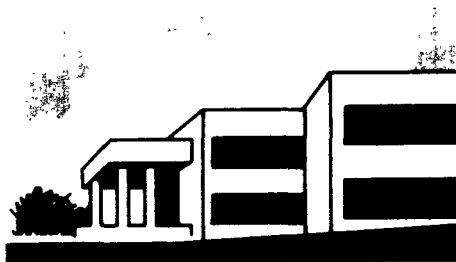
Having access to this information will help a fire department responding to a chemical emergency know which chemicals, as well as their quantities and locations, to expect at the scene. The fire department can request additional, more specific information about chemical inventories at a plant, and it can also request an on-site inspection. The plant must provide specific information regarding the location of hazardous chemicals.

In an effort to help fire departments respond to chemical accidents, the National Oceanic and Atmospheric Administration (NOAA) worked with the Seattle, WA, Fire Department to develop the Computer-Aided Management of Emergency Operations (CAMEO [®]II) System. EPA has helped NOAA expand this program to meet the information management needs of Title III. CAMEO II contains response information and recommendations for 2,629 commonly transported chemicals; an air dispersion model to assist in evaluating release scenarios and evacuation options; and several easily adaptable databases and computational programs that address the emergency planning provisions of the Emergency Planning and Community Right-to-Know Act.

Public Institutions

Public institutions such as hospitals, schools, and state and local governments are vital to the success of any emergency response plan. Ambulance crews and emergency room personnel must know how to transport and treat victims of exposure to hazardous chemicals. Schools and public buildings should plan for emergencies and may be called on to serve as emergency shelters for evacuees. Here are some of the other ways public institutions can participate in emergency planning and hazardous chemical risk reduction:

- Representatives of these institutions should be **members of the Local Emergency Planning Committee**, or at least learn who represents public institutions on the committee and stay in contact with that person.
- The institutions' officers should **inform the LEPC of sensitive facilities** within the community (hospitals, schools, and nursing homes) that should be included in the emergency response plan. These officers should know how they will be notified in the event of an accident and be prepared to respond. They should also be familiar with plans for responding to fires and other emergencies involving hazardous chemicals.
- State and local environmental and public health agencies, in addition to participating on SERCs and LEPCs, should take advantage of the new reporting requirements to **build an information base about hazardous chemicals** in their states and communities. This information can then be used to identify "hot spots," or potential problem areas that warrant further investigation to determine if they represent unacceptable risks to the public health or the environment. The agencies also can use this information to work with industry on voluntary programs to **reduce the amounts and risks of hazardous chemicals** present or released in the community.



Public institutions may be required to submit reports under the following notification requirements of the Act:

- **Emergency Planning:** If a public institution has more than a specified amount of an extremely hazardous substance, it must report to the SERC and LEPC.
- **Emergency Release Notification:** If the institution releases more than a reportable quantity of an extremely hazardous substance, it must immediately report the release to the SERC and LEPC.
- **Toxic Chemical Release Reporting:** If a public institution operates a manufacturing facility, it could be covered by the toxic chemical release reporting requirements.

Health Professionals

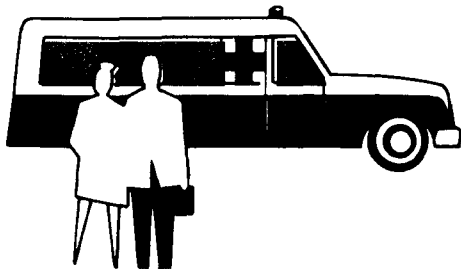
Doctors, nurses, and other trained medical professionals who serve in government health departments, hospitals, and private practice can be a valuable resource in emergency planning and response. They can also be an important source of information about risks to the public health in their communities. Here are some of the ways these professionals can participate in the Emergency Planning and Community Right-to-Know program:

- They can volunteer to be a **health professional representative** on the Local Emergency Planning Committee, or they can offer to assist the LEPC in its work.
- They can participate in programs to **train medical personnel** to deal with emergencies involving chemical hazards (health professionals should contact their state training officer through their LEPC or SERC for more information on training programs).
- They can **screen the information** submitted under Title III to determine if any acute or chronic health effects may be associated with hazardous substances in their communities.

In a more general sense, health professionals may be approached to provide and interpret information on chemicals available under this law. The law allows health professionals to gain access to chemical identity information, even if it is claimed as trade secret, in three different situations:

- If the chemical identity is needed for the diagnosis and treatment of an exposed person.
- If a medical emergency exists in which the chemical identity is needed to aid in diagnosis or treatment.
- If a health professional who is a local government employee requests a chemical's identity to conduct preventive research studies and to render medical treatment.

Except for medical emergencies, the request for a chemical's identity must be accompanied by a written statement of need and a confidentiality agreement.



Industry and Small Businesses

Hazardous substances are not only found at large chemical plants. They are also used routinely in many small operations—garages, dry cleaners, etc. These chemicals are not necessarily hazardous in normal practice but may be of concern if stored or used improperly, or during an emergency such as a fire. Most industrial facilities that use chemicals in the United States are probably subject to one or more provisions of the Emergency Planning and Community Right-to-Know Act. Many small businesses are also required to file reports under the law, although several of the provisions either specifically exempt certain small businesses or have reporting thresholds that make them apply only to larger facilities.

A company's initial responsibility under the Act is to determine whether it has reporting and emergency planning obligations, and if so, to meet those obligations. EPA has prepared a number of guidance documents, a videotape, and other materials to help explain the Act's requirements and to assist companies in filing required reports and participating in their communities' planning process. Industry trade associations, such as the Chemical Manufacturers Association (CMA), also have been active in alerting their member companies to their obligations under Title III.

Besides meeting the strict requirements of the law, some chemical manufacturers and other industries have also taken steps to establish a dialogue with citizens and to involve the public as partners in planning for chemical emergencies and managing chemical risks in their communities. CMA's Community Awareness and Emergency Response (CAER) program is an example of these efforts. EPA encourages all companies affected by Title III to consider similar programs.

The annual toxic chemical release reporting requirement applies only to manufacturing facilities (those in Standard Industrial Classification codes 20-39) with **ten or more full-time employees** (see page 9). Therefore, many small businesses will not be subject to this requirement because they do not meet the manufacturing, processing or use thresholds.

All businesses, however, both manufacturing and non-manufacturing, **are** required to report under the emergency planning, emergency release notification, and hazardous chemical reporting provisions of the act **if** they have specified chemicals in amounts greater than the threshold quantities for those chemicals. (See page 13 for *Federal Register* citations.)

Beyond these requirements, some companies—both large and small—have taken steps to improve community safety by reducing their stocks of hazardous substances in heavily populated areas. Others are attempting to substantially lower the levels of chemicals they release into the environment. In some cases, these "source reduction" or "pollution prevention" programs have as their goal the virtual elimination of hazardous



Farmers

chemical wastes through substitutions, changes in industrial processes, reuse and recycling, and the use of new technologies to reduce the quantity and toxicity of hazardous substances **before** they enter the environment.

To the extent that industrial facilities and other businesses pursue these efforts, they will be helping to achieve one of the major objectives of the Emergency Planning and Community Right-to-Know Act: a reduction in the amount of hazardous and toxic chemicals stored in the nation's communities and released into the nation's air, water, and soil.

The presence of pesticides and fertilizers on a farm can present a potential chemical hazard to the community just as a factory can—especially if the farm is located near a populated area or near transportation routes. Farmers, therefore, may be subject to one or more of the reporting requirements of the Emergency Planning and Community Right-to-Know Act:

- **Emergency Planning:** Farmers should first determine if they are using any of the 366 “extremely hazardous substances” that trigger the Act’s emergency planning reporting requirement. If so, and if one or more of the substances exceeds specified amounts, the farm must alert the SERC and LEPC that it is covered by the emergency planning requirements. The farm must also identify a contact in case the LEPC needs additional information. This information will be used to develop an emergency response plan for the community. Because the circumstances under which farmers have extremely hazardous substances may be different from other businesses, it is important that an agriculture representative be included on the LEPC.

- **Emergency Release Notification:** Generally, farmers must notify their SERCs and LEPCs if there is a release of an “extremely hazardous substance,” or a substance listed under the Superfund hazardous waste clean-up law, in excess of its “reportable quantity.” There are two exceptions that **may** exclude farmers from this reporting requirement:



First, reporting is required only by facilities that produce, use, or store a "hazardous chemical." Under the definition of a hazardous chemical, substances that are used in routine agricultural operations and household or consumer products are specifically exempt. Even with these exemptions, however, a farm may still have other hazardous chemicals present which would be subject to reporting. If you have a release and are unsure whether or not you need to report it because you don't know whether or not you have a hazardous chemical, you should report it anyway.

Second, the proper application of a registered pesticide or fertilizer in accordance with its intended purpose is exempt from emergency release notification. In other words, **farmers do not need to report routine pesticide and fertilizer application** as emergency releases. An **accidental release** above a reportable quantity of those substances **should** be reported.

- **Hazardous Chemical Reporting:**

These reporting requirements are tied to the worker right-to-know rules of the Occupational Safety and Health Administration (OSHA), so farmers may be covered if they already must comply with the OSHA regulations. Farms with fewer than ten full-time employees are not covered by OSHA and consequently are exempt from this requirement. Chemicals used in routine agriculture operations and household and consumer products are exempt from reporting because they do not meet the law's definition of hazardous chemicals.

- **Toxic Chemical Release Reporting:**

These requirements cover only manufacturing facilities (those in Standard Industrial Classification codes 20-39) with ten or more employees. Thus only farms that are involved in manufacturing operations as a **primary** activity (such as food, tobacco, or textile manufacturing) would be covered under this section, but only if their use of listed chemicals exceeds the threshold levels for reporting.

State Emergency Response Commissions (SERCs)

The Emergency Planning and Community Right-to-Know Act requires each state to set up a State Emergency Response Commission, or SERC. The 50 states and the U.S. territories and possessions have established these commissions, which are listed on page 33. Indian tribes have the option to function as an independent SERC or as part of the state in which the tribe is located (see box).

In some states, the SERCs have been formed from existing organizations, such as state environmental, emergency management, transportation, or public health agencies. In others, they are new organizations with representatives from public agencies and departments, along with various private groups and associations.

A broad perspective is crucial to the oversight role of the SERCs. Information available under the Act will involve air, water, solid waste, toxics, and other state and federal environmental programs and regulations.

Among the SERC's duties are to:

- Designate **local emergency planning districts** within the state.
- Appoint a **local emergency planning committee** (LEPC) to serve each of the districts.
- **Coordinate and supervise** the activities of the local committees, through regular communication and contact.



- Coordinate proposals for and distribution of **training grant funds**.
- **Review local emergency response plans** annually, making recommendations for any needed changes.
- **Notify EPA of all facilities in the state** that are either covered under emergency planning requirements, or have been designated as subject to these requirements by the SERC or the governor.

The SERCs also receive reports and notifications required by the legislation: material safety data sheets (MSDSs) or lists of MSDS chemicals, emergency and hazardous chemical inventory forms, and notices of emergency releases (this data also goes to LEPCs).

The law requires that toxic release inventory information be provided to EPA and to the state, but does not designate any specific state agency. The SERC may be designated to receive these reports, or they may be submitted to the state environmental, health or

emergency management agency (in almost every state this agency is a member of the SERC). The designated agency must make the reports available to the public, and it can use them itself in developing and enforcing state environmental and public health programs. (See page 34 for a list of the state contacts designated to receive the toxic release information.)

The SERC should provide the forum for coordinating all Title III information, and assisting in understanding and communicating the associated chemical risks.

Indian Tribes

Because of the sovereignty of many Indian tribes, EPA is developing regulations under which federally recognized tribes may act as states, with the same responsibilities as states under the Emergency Planning and Community Right-to-Know Act.

Under a draft policy statement developed by EPA, however, tribes may choose to negotiate agreements with the states in which they are located so that the state assumes some or all of the responsibilities imposed by the law.

People living and working under tribal jurisdiction must follow the same procedures as other persons under the law. In complying, they will need to know whether the tribe will be functioning as the SERC. If so, all reports and information requests must be forwarded to the tribal SERC. If, however, the tribe has chosen to enter into an agreement with a state, the agreement will designate who will receive reports and answer questions.

The discussion of the SERC's role, authorities, and responsibilities on page 28 applies to Indian tribes if the tribe is functioning as a SERC. Questions about this policy may be referred to EPA regional offices (see page 35 for a list of those offices).

The SERC is also responsible for:

- Establishing procedures for receiving and processing **public requests for information** collected under the Act.
- **Asking for further information** from facilities, at the request of the state or another party or at its own discretion, about a particular chemical or facility.
- Requesting information from EPA on the **health effects of chemicals** that EPA has agreed to designate "trade secret," and ensuring that this information is available to the public.
- **Taking civil action** against facility owners or operators who fail to comply with reporting requirements.

The SERC should ensure that its state programs are integrated with the federal law in order to strengthen enforcement.

The SERC can provide strong leadership, coordination, technical assistance, and training, work closely with LEPCs to help identify their specific needs and carry out their programs, and use its knowledge and expertise to help all affected groups, organizations and individuals meet their responsibilities under the Act.

The Federal Role

States and local communities have the primary governmental responsibility for making emergency planning and community right-to-know work. The federal government, however, also has important contributions to make.

The federal government's major responsibilities in implementing this new law include providing guidance, technical assistance, and training to states, communities, and industry, in addition to enforcing the law to ensure compliance. EPA is also responsible for creating a national data base of toxic chemical releases, making it accessible to citizens, and ensuring that LEPCs have the information they need to take appropriate steps to reduce the risks from accidents and toxic chemical releases in their communities. The federal government also has a variety of responsibilities to regulate certain toxic and hazardous substances under other federal environmental and occupational health and safety laws.

Guidance and Technical Assistance

To help state and local officials as they develop their emergency plans, the National Response Team (NRT)* has published the **Hazardous Materials Emergency Planning Guide (NRT-1)**. In addition, EPA, the Federal Emergency Management Agency (FEMA), and the Department of Transportation (DOT) have published a follow-up document on hazards analysis which tells emergency planners how to determine the potential hazards of a chemical and its processes before there is an accident, so they can determine the priorities of chemical risks in their community and plan for them.

*See footnote on page 2



LEPCs can work with their SERCS and ask their Regional Response Teams to review local emergency plans.

EPA has also published documents to help industry comply with the reporting provisions of Title III, and to help state and local officials manage and analyze the information submitted.

The industry guidance documents are designed to minimize reporting burdens while helping facilities submit accurate information in a format that can be effectively used by the SERCs, LEPCs, local fire departments, and EPA. These documents include both general and industry-specific guidance on estimating releases for the toxic chemical release reporting forms, and information on completing the emergency and hazardous chemical inventory forms.

To help SERCs and LEPCs analyze this information, EPA has developed chemical profiles for extremely hazardous substances which include some health effects and emergency response information. EPA is also distributing fact sheets prepared by the State of New Jersey showing the health and environmental effects to workers of the chemicals on the Toxic Release Inventory (TRI), as well as information on federal and state laws and regulations covering the chemicals.

EPA and FEMA staff are also helping SERCs administer the law by sponsoring workshops, speaking at meetings of SERCs and LEPCs, and providing guidance for developing and testing local emergency plans and managing, understanding, and communicating the information submitted under Title III.

Training

EPA offers a number of training activities in preparing for, responding to, and preventing chemical accidents through the Agency's Environmental Response Team and joint efforts with FEMA, DOT and other federal agencies. Under Section 305 of the Act, FEMA is authorized to provide \$5 million a year for fiscal years 1987-1990 in training grants for state and local officials. These grants will be provided through the SERC in each state. The purpose of the grants is to allow states and local communities to gain or improve on the skills necessary for carrying out emergency planning and preparedness programs.

The training grants are earmarked for federal training programs and for developing state-delivered courses for local officials. States must match 20 percent of the funds requested in order to be eligible for the training grants. The training must focus on emergency planning, preparedness, mitigation, response, and recovery capabilities related to emergencies involving hazardous chemicals.

Toxic Chemicals Release Inventory

EPA will compile the computerized Toxic Chemical Release Inventory, and will update the data base semiannually as new information is gathered. The national data base will be available to the public through computer telecommunications and "other means," such as computer-generated microfiche, by the spring of 1989. (See page 32 for details on obtaining TRI and other information provided under Title III.)

Special Studies Required by Title III

- EPA has reviewed existing emergency systems for monitoring, detecting, and preventing releases of extremely hazardous substances, and alerting the public to them. The Agency's report of this review was submitted to Congress in June 1988. It makes recommendations to improve technical capabilities in these areas.
- The National Academy of Sciences will conduct a study of "mass balance" analysis and information, to be completed by 1991. A mass balance compares the amount of a chemical entering a production process with the amount leaving the process, either in products or as waste. The study's purpose is to assess whether mass balance data is useful in estimating releases and waste treatment efficiencies that must be reported on the Toxic Chemical Release Inventory form.
- The General Accounting Office, also by 1991, must report to Congress on the collection and use of data in the Toxic Chemical Release Inventory.

Enforcement

EPA has a major role to play in the enforcement of Title III. The Agency is providing assistance to states and local communities for specific enforcement actions against violators of sections 302, 311, and 312. Since EPA does not receive or process information under these sections, and SERCs and LEPCs do, actions should be initiated at the state and local levels. EPA will assist as much as possible. Under sections 304 and 313, EPA does have a statutory mechanism to receive information directly from submitters. The Agency has already taken the lead in bringing enforcement actions against violators of these sections.

For Further Information

If you are interested in getting involved in your community, or would like more information on how the Emergency Planning and Community Right-to-Know Act is being carried out, please contact your local emergency planning committee. On page 33 is a list of state emergency response commissions. Your SERC can help you locate your local committee.

Your local committee and state commission are the focal points for information submitted under Title III. In addition to answering questions you may have after reading this brochure, they can provide you with information submitted under the law (see box below).

Toxic Release Inventory data can be obtained by contacting EPA in writing:

U.S. EPA
P.O. Box 70266
Washington, DC 20024-0266
Attention: TRI Public Inquiry

Please be specific when identifying the Toxic Release Inventory material you would like to obtain. At a

minimum, you should provide the company name, city, and state.

If you have any technical or regulatory questions that your LEPC or SERC is unable to answer, please contact your nearest EPA Regional Office (see page 35 or call the toll-free Emergency Planning and Community Right-to-Know Information Hotline, between 8:30 am and 7:30 pm Eastern time at 800-535-0202 (in Washington, DC, 202-479-2449).

An introductory videotape on Title III, titled "Emergency Planning and Community Right-to-Know: What It Means to You," is also available. Contact your EPA regional office or write to the Title III Information Hotline for information on how to obtain more copies of this brochure, and how to purchase or borrow the videotape. The Hotline address is:

Emergency Planning and
Community Right-to-Know
Information
OS-120
U.S. EPA
Washington, DC 20460

Information Available Under Title III

Information:	Available From
Local Emergency Plans	Local Emergency Planning Committees
Material Safety Data Sheets or Lists of Hazardous Chemicals	Local Emergency Planning Committees State Emergency Response Commissions
Emergency and Hazardous Chemical Inventory Forms	Local Emergency Planning Committees State Emergency Response Commissions
Toxic Chemical Release Inventory Information	Local Emergency Planning Committees State Emergency Response Commissions Designated State Agencies U.S. Environmental Protection Agency

State Emergency Response Commission Telephone Numbers

Alabama	(205) 834-1375 (205) 271-7700	Nevada	(702) 885-4240
Alaska	(907) 465-2600	New Hampshire	(603) 271-2231
American Samoa	(684) 633-2331	New Jersey	(609) 292-6714
Arizona	(602) 231-6326	New Mexico	(505) 827-9222
Arkansas	(501) 562-7444	New York	(518) 457-9996
California	(916) 427-4287	North Carolina	(919) 733-3867
Colorado	(303) 331-4880	North Dakota	(701) 224-2111
Connecticut	(203) 566-4856	Ohio	(614) 644-2260
Delaware	(302) 736-3169	Oklahoma	(405) 521-2481
District of Columbia	(207) 727-6161	Oregon	(503) 378-2885
Florida	(904) 488-1472	Pennsylvania	(717) 783-8150
Georgia	(404) 656-4713	Puerto Rico	(809) 722-2173 (809) 722-1175
Guam	(671) 477-7230	Rhode Island	(401) 277-3039
Hawaii	(808) 548-5832	South Carolina	(803) 734-0425
Idaho	(208) 342-5888	South Dakota	(605) 773-3151
Illinois	(217) 782-4694	Tennessee	(615) 252-3300
Indiana	(317) 243-5176	Texas	(512) 465-2138
Iowa	(515) 281-3231	Utah	(801) 584-8370
Kansas	(913) 296-1690	Vermont	(802) 828-2286
Kentucky	(502) 564-8660	Virgin Islands	(809) 774-3321
Louisiana	(504) 925-6113	Virginia	(804) 225-2513
Maine	1-800-452-8735	Washington	(206) 753-5625
Northern Mariana Island	(670) 322-9529	West Virginia	(304) 348-5380
Maryland	(301) 486-4422	Wisconsin	(608) 266-3232
Massachusetts	(617) 292-5993	Wyoming	(307) 777-7566
Michigan	(517) 373-8481		
Minnesota	(612) 643-3000		
Mississippi	(601) 960-9973		
Missouri	(314) 751-7929		
Montana	(406) 444-6911		
Nebraska	(402) 471-2186		

State Designated TRI Contacts

Alabama	(205) 271-7931	Nevada	(702) 885-4240
Alaska	(907) 465-2600	New Hampshire	(603) 271-2231
American Samoa	(684) 633-2304	New Jersey	(609) 292-6714
Arizona	(602) 231-6326	New Mexico	(505) 827-9222
Arkansas	(501) 682-4534	New York	(518) 457-4107
California	(916) 324-8124	North Carolina	(919) 733-3867
Colorado	(303) 331-4830	North Dakota	(701) 224-2374
Connecticut	(203) 566-4856	Ohio	(614) 644-2266
Delaware	(302) 736-4791	Oklahoma	(405) 521-2481
District of Columbia	(202) 727-6161	Oregon	(503) 378-2885
Florida	(904) 488-1472	Pennsylvania	(717) 783-2071
Georgia	(404) 656-6905	Puerto Rico	(809) 722-0077
Guam	(671) 646-8863	Rhode Island	(401) 277-2808
Hawaii	(808) 548-6505	South Carolina	(803) 734-5200
Idaho	(208) 334-5888	South Dakota	(605) 773-3153
Illinois	(217) 782-3637	Tennessee	
Indiana	(317) 243-5167	(Within State)	800-1-262-3300
Iowa	(515) 281-8852	Tennessee	
Kansas	(913) 296-1690	(Out of State)	800-1-258-3300
Kentucky	(502) 564-2150	Texas	(512) 463-8527
Louisiana	(504) 342-8617	Utah	(801) 538-6121
Maine	(207) 289-4080	Vermont	(802) 863-7281
Northern Mariana		Virginia	(804) 225-2513
Islands	(670) 234-6984	Virgin Islands	(809) 774-3320
Maryland	(301) 631-3800	Washington	(206) 438-7252
Massachusetts	(617) 292-5993	West Virginia	(304) 348-5380
Michigan	(517) 373-8481	Wisconsin	(608) 266-9255
Minnesota	(612) 463-3000	Wyoming	(307) 777-7566
Mississippi	(601) 960-9973		
Missouri	(314) 751-7929		
Montana	(406) 444-6911		
Nebraska	(402) 471-2186		

Telephone Numbers for EPA and FEMA Regional Offices

Region	EPA	FEMA
1 Boston	(617) 565-4502	(617) 223-9565
2 New York	(212) 264-2515	(212) 238-8225
3 Philadelphia	(215) 597-9904	(215) 931-5528
4 Atlanta	(404) 347-3931	(404) 853-4454
5 Chicago (Outside Illinois)	(312) 886-6871 1-800-621-8431	(312) 408-5524
6 Dallas (EPA) Denton TX (FEMA)	(214) 655-2270	(817) 898-9137
7 Kansas City KS (EPA) Kansas City MO (FEMA)	(913) 236-2806	(816) 283-7011
8 Denver	(303) 293-1723	(303) 235-4923
9 San Francisco	(415) 974-0577	(415) 923-7187
10 Seattle (EPA) Bothell, WA (FEMA)	(206) 442-1200	(206) 487-4606



Glossary

CERCLA (Comprehensive Emergency Response, Compensation, and Liability Act of 1980): The federal statute that authorized "Superfund." Superfund, which is administered by EPA, provides funding for cleanups and emergency response actions for hazardous substances at the worst hazardous waste sites in the United States. CERCLA is also significant because it set the first criteria for notification of emergencies involving hazardous substances.

EHS (Extremely Hazardous Substance): Any one of 366 hazardous chemicals on a list compiled by EPA to provide a focus for state and local emergency planning activities.

EPA: U.S. Environmental Protection Agency.

FEMA: U.S. Federal Emergency Management Agency.

LEPC: Local Emergency Planning Committee.

NRC (National Response Center): The central U.S. clearinghouse for information involving emergency spills and other releases of oil and hazardous substances.

NRT (National Response Team): The national team composed of representatives from 14 federal agencies, with emergency planning and response capabilities, including EPA and FEMA.

MSDS (Material Safety Data Sheet): A worksheet required by the U.S. Occupational Safety and Health Administration (OSHA) containing information about hazardous chemicals in the workplace; MSDSs are used to fulfill part of the hazardous chemical inventory reporting requirements under the Emergency Planning and Community Right-to-Know Act.

OSHA: Occupational Safety and Health Administration, part of the U.S. Department of Labor.

RQ (Reportable Quantity): An amount of a Superfund hazardous substance or "extremely hazardous substance" that, if released, must be reported under the emergency release reporting requirements of the Emergency Planning and Community Right-to-Know Act or under those of CERCLA.

SARA: Superfund Amendments and Reauthorization Act of 1986.

SERC: State Emergency Response Commission.

TPQ (Threshold Planning Quantity): The amount of an extremely hazardous substance present at a facility above which the facility's owner/operator must give emergency planning notification to the SERC and LEPC.

Title III: The third part of SARA, also known as the Emergency Planning and Community Right-to-Know Act of 1986.

TRI (Toxic Release Inventory): A national inventory of annual toxic chemical releases from manufacturing facilities.



OS-120

United States
Environmental Protection
Agency
Washington DC 20460

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